

JUDGE LEON SCHYDLOWER

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AUG 23 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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Jacob Barreras
2211 E. Missouri Ave # 221
El Paso, TX 79903
Pro Se Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Jacob Barreras,
Plaintiff,

v.

TEXAS DEPARTMENT OF INSURANCE, in its official capacity,
Defendant.

Case No.:

EP 24 CV 0303

**COMPLAINT FOR DECLARATORY, INJUNCTIVE, MONETARY RELIEF,
AND JURY TRIAL DEMAND**

I. INTRODUCTION

1. This action arises under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq., and the Rehabilitation Act of 1973, 29 U.S.C. § 794, seeking declaratory, injunctive, and monetary relief against the Texas Department of Insurance (TDI) for failing to provide reasonable accommodations to individuals with disabilities.
2. Plaintiff brings this action to challenge the repeated denials of ADA accommodations by the TDI, resulting in significant harm and injury to Plaintiff.
3. Plaintiff seeks relief in the form of compensatory damages for the harm suffered, as well as declaratory and injunctive relief to prevent further violations of their rights under federal law.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this case arises under the laws of the United States, specifically the ADA and the Rehabilitation Act.
5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), as the events giving rise to this claim occurred in El Paso, Texas, within the jurisdiction of the Western District of Texas.

III. PARTIES

6. **Plaintiff:** Jacob Barreras, a resident of El Paso, Texas, is an individual with disabilities who requested reasonable accommodations from the Texas Department of Insurance and was denied several times.
7. **Defendant: Texas Department of Insurance,** acting in its official capacity, is responsible for regulating the insurance industry in Texas and ensuring compliance with the ADA and the Rehabilitation Act.

IV. FACTUAL ALLEGATIONS

8. Plaintiff has disabilities that require specific accommodations to access services and conduct necessary business with the Texas Department of Insurance.
9. On multiple occasions, Plaintiff requested ADA accommodations from Defendant's office to facilitate equal access to services.
10. Despite these requests, Plaintiff was repeatedly denied reasonable accommodations, which significantly impaired their ability to access essential services and caused substantial harm.
11. The repeated denials of ADA accommodations constitute a violation of Plaintiff's rights under the ADA and the Rehabilitation Act.

V. CLAIMS FOR RELIEF

COUNT I

Violation of the Americans with Disabilities Act (ADA)

12. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 11 as if fully set forth herein.
13. The ADA requires that public entities provide reasonable accommodations to individuals with disabilities to ensure equal access to services, programs, and activities.
14. By denying Plaintiff the necessary accommodations, Defendant has violated the ADA.

COUNT II

Violation of the Rehabilitation Act of 1973

15. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 14 as if fully set forth herein.
16. The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies and entities that receive federal funding.
17. Defendant has violated the Rehabilitation Act by failing to provide reasonable accommodations to Plaintiff, resulting in harm and injury.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Defendant's actions and policies violate the ADA and the Rehabilitation Act.

B. Issue an injunction requiring Defendant to provide reasonable accommodations to individuals with disabilities in accordance with federal law.

C. Award Plaintiff compensatory damages in the amount of \$200,000.00 for the harm suffered due to Defendant's actions, including emotional distress, inconvenience, and additional costs incurred.

D. Award Plaintiff reasonable attorney's fees and costs associated with bringing this action, if applicable.

E. Grant such other and further relief as this Court deems just and proper.

VII. JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Barreras', written in a cursive style.

Jacob Barreras
Pro Se Plaintiff